

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE:

B-224356

DATE: June 30, 1986**MATTER OF:**

Crestwood Furniture Company

DIGEST:

protest that low bidders engaged in collusive bidding is dismissed because the question is one circumstance to be considered by the contracting officer in determining their responsibility.

Crestwood Furniture Company (CFC) protests the proposed award of several contracts to supply upholstered seating for a General Services Administration federal supply schedule contract under invitation for bids (IFB) No. FNP-A7-1867-A.

We dismiss the protest.

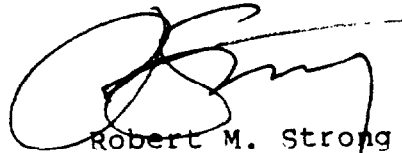
CFC requests that we review the low bids of Beelner & Thomas, Pulaski Furniture Corporation, and Flexsteel Industries, Inc., to determine compliance with the IFB's Certificate of Independent Pricing. E.T. Arndt was signatory on all bids and Crestwood contends that the bidders, allegedly in agreement, only bid on items in noncompeting geographical zones.

To the extent that CFC is suggesting that these bidders collaborated to prepare their bids, collusive bidding is a matter for the determination of the contracting officer, who, if he perceives the evidence of collusion, is expected to report the situation to the Attorney General. Federal Acquisition Regulation, 48 C.F.R. § 3.102-2(b) (1985).

Moreover, the contracting officer, not our office, must examine whether these bidders engaged in collusive bidding in determining their responsibility. See DelRocco & Sons, Inc., B-218314, Mar. 22, 1985, 85-1 C.P.D. ¶ 339. Should the contracting officer determine that these bidders are responsible, in light of the discretionary, subjective nature of the determination, we would not consider a challenge to it in the absence of a showing of possible fraud or bad faith. Id.

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The protest is dismissed.

A handwritten signature in black ink, appearing to read 'R. Strong', with a large circular flourish on the left side.

Robert M. Strong
Deputy Associate General Counsel